



STATE PROCUREMENT OFFICE '11 MAR -1 AIO:19
NOTICE & REQUEST FOR SOLE SOURCE

STATE PROCUREMENT OFFICE
STATE OF HAWAII

1. TO: Chief Procurement Officer

2. FROM: DAGS/ICSD/TSB

Department/Division/Agency

Pursuant to HRS §103D-306 and HAR Chapter 3-122, Subchapter 9, the Department requests sole source approval to purchase the following:

3. Description of goods, services, or construction:

Maintenance renewal and support for OPNET ACE which is a software used to inspect network traffic to determine whether user response time issues are network or application related. Maintenance includes technical support via the Internet/phone as well as software updates for new features and bug fixes.

4. Vendor Name: OPNET Technologies Inc.

Address: 7255 Woodmont Avenue
Bethesda, MA 20814

5. Price:

\$14,940.00

6. Term of Contract:

(mm/dd/yyyy)

From: 4/4/11

To: 4/3/12

7. Prior Sole Source Ref No.

8. Feature: The good, service, or construction has the following unique features, characteristics, or capabilities: The manufacturer, OPNET Technologies Inc. is the sole provider of maintenance services for the OPNET branded family of software products in the United States. Maintenance for this software must be purchased directly from OPNET Technologies. (See attached letter from the vendor).

9. Essential features. How the unique features, characteristics, or capabilities are essential for the agency to accomplish its work: The manufacturer is the only authorized provider and seller of maintenance services for the product in the United states.

11. Alternate source. The following other possible sources for the good, service, or construction were investigated but do not meet our needs because: No alternate sources were investigated as the manufacturer, OPNET Technologies Inc., has informed the State of Hawaii that they are the only authorized provider of maintenance services in the United States. Maintenance cannot be purchased from any other source.

12. Direct any inquiries to:

Department: DAGS, ICSD

Contact Name/Title: David Fujimoto, ITS VI

13 Phone Number:

586-1930 x616

Fax Number:

586-1962

Expenditure may be processed with a purchase order/pCard: ☒ Yes ☐ No
If no, a contract must be executed and funds certified.

Agency shall ensure adherence to applicable administrative and statutory requirements, including HAR Chapter 3-122, Subchapter 15, Cost or Pricing Data, if required.

14. *I certify that the information provided above is to the best of my knowledge, true, correct and that the goods, services, or construction are available through only one source.*

JB 2-28-11

FEB 28 2011

Department Head Signature

Date

Reserved for CPO Use Only

15 Date Notice Posted: 3/2/2011

Submit written objections to this notice to issue a sole source contract within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer

State Procurement Office

P.O. Box 119

Honolulu, Hawaii 96810-0119

16. Chief Procurement Officer's comments:

Request is returned with no action required as department has determined that this sole source is compliant with HAR section 3-122-81, No. 3. Department is reminded that this is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. This award is required to be posted on the Awards Reporting System.

As a reminder, individual(s) participating in procurement activities are required to be in compliance with Procurement Delegation No. 2010-01 and Amendment 1, and Procurement Circular No. 2010-05, *Statewide Procurement Training*, as appropriate. Procurement requests submitted to the SPO listing departmental personnel without written delegated procurement authority and the appropriate mandatory procurement training will be returned.

17. ☐ APPROVED ☐ DISAPPROVED ☒ NO ACTION REQUIRED

David Fujimoto
Chief Procurement Officer

5/11/2011
Date



February 3, 2010

To Whom It May Concern:

This letter is to confirm that OPNET is the sole provider of maintenance services for the OPNET branded family of software products in the United States. Maintenance for this software must be purchased directly by organizations from OPNET Technologies, Inc. at the address herein. There are no agents or dealers authorized to provide maintenance services for OPNET software in the United States.

If you require additional information, please contact me at 240-497-3000 at any time or visit our web site at www.opnet.com. Thank you for your interest in OPNET Technologies, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Winkler", is written over a horizontal line.

Kirk Winkler

Vice President, Sales Operations

OPNET Technologies, Inc.

7255 Woodmont Avenue • Bethesda, Maryland 20814 • phone: (240) 497-3000 • fax: (240) 497-3001 • www.opnet.com • NASDAQ: OPNT